

422 Rec'd PCT/PTO 24 AUG 2000

FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
10738-17

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLIC. NO. (if known, see 37 CFR 1.51)

**09/623006**INTERNATIONAL APPLICATION NO.  
PCT/US99/06580INTERNATIONAL FILING DATE  
March 25, 1999PRIORITY DATE CLAIMED  
March 31, 1998

TITLE OF INVENTION

ANTIOXIDANT PEPTIDES

APPLICANT(S) FOR DO/EO/US

DAVID Y. HUI and PATRICK TSO

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
  - ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
    - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☒ has been transmitted by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
  - ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
  - ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
    - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ have been transmitted by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
    - d. ☐ have not been made and will not be made.
  - ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
  - ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information.  
Small Entity State, Return Receipt Postcard (MPEP 503), Copy of Notice Informing Applicant of the Communication of the International Application to the Designated Offices, Assignment Cover Sheet

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label # EL378854800US

Date of Deposit: **8/24/00**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Box PCT, Assistant Commissioner for Patents; Washington, DC 20231.

*Catherine L. Vign*

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U.S. APPLIC. NO. (if known, see 37 CFR 1.50) <div style="font-size: 2em; font-weight: bold; margin-top: 5px;">09/623006</div>	INTERNATIONAL APPLICATION NO. PCT/US99/06580	A7 10	EY'S DOCKET NUMBER 7
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17. The following fees are submitted:	<b>CALCULATIONS</b>	PTO USE ONLY															
<div style="margin-bottom: 10px;"> <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b>            I Search Report has been prepared by the EPO or JPO <span style="float: right;">\$840.00</span> </div> <div style="margin-bottom: 10px;">           * International preliminary examination fee paid to USPTO (37 CFR 1.482) <span style="float: right;">\$670.00</span> </div> <div style="margin-bottom: 10px;">           I No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) <span style="float: right;">\$760.00</span> </div> <div style="margin-bottom: 10px;">           I Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO <span style="float: right;">\$970.00</span> </div> <div style="margin-bottom: 10px;">           I International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) <span style="float: right;">\$96.00</span> </div>																	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>	<b>\$ 670.00</b>																
Surcharge of \$130.00 for furnishing the oath or declaration later than I 20 I 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	<b>\$</b>																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Claims</th> <th style="width: 15%;">Number Filed</th> <th style="width: 15%;">Number Extra</th> <th style="width: 15%;">Rate</th> <th style="width: 40%;"></th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">62 -20 =</td> <td style="text-align: center;">42</td> <td style="text-align: center;">42 x \$18.00</td> <td style="text-align: right;">\$756.00</td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">5 -3 =</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2 x \$78.00</td> <td style="text-align: right;">\$156.00</td> </tr> </table>	Claims	Number Filed	Number Extra	Rate		Total Claims	62 -20 =	42	42 x \$18.00	\$756.00	Independent Claims	5 -3 =	2	2 x \$78.00	\$156.00		
Claims	Number Filed	Number Extra	Rate														
Total Claims	62 -20 =	42	42 x \$18.00	\$756.00													
Independent Claims	5 -3 =	2	2 x \$78.00	\$156.00													
Multiple dependent claim(s) (if applicable)	+ \$260.00	<b>\$</b>															
<b>TOTAL OF ABOVE CALCULATIONS =</b>	<b>\$ 1582.00</b>																
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).	<b>\$791.00</b>																
<b>SUBTOTAL =</b>	<b>\$ 791.00</b>																
Processing fee of \$130.00 for furnishing the English translation later than the I 20 I 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	+	<b>\$</b>															
<b>TOTAL NATIONAL FEE =</b>	<b>\$</b>																
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	+	<b>\$40.00</b>															
<b>TOTAL FEES ENCLOSED =</b>	<b>\$ 831.00</b>																
		Amount to be: refunded <b>\$</b>															
		charged <b>\$</b>															

a. ☒ A check in the amount of \$831.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☐ [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1133.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

DINSMORE & SHOHL  
 1900 Chemed Center  
 255 East Fifth Street  
 Cincinnati, Ohio 45202  
 (513) 977-8200

SIGNATURE  
 JACKIE A. ZURCHER  
 NAME

42,251  
 REGISTRATION NUMBER

August 24, 2000  
 DATE

<b>Applicants:</b>	David Y. Hui and Patrick Tso	<b>Attorney Docket No.</b>	10738-017
<b>Serial No.:</b>	To be Assigned		
<b>Filed:</b>	Concurrent with Application		
<b>For:</b>	ANTIOXIDANT PEPTIDES		

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am

- ☐ the owner of the nonprofit organization identified below:
- ☒ an official of the nonprofit organization empowered to act on behalf of the concern identified below:

NAME OF NONPROFIT ORGANIZATION:

University of Cincinnati

ADDRESS OF NONPROFIT ORGANIZATION:

Room 613 - Wherry Hall, Mail  
Location 0829, Cincinnati, Ohio  
45267

TYPE OF NONPROFIT ORGANIZATION:

- ☒ University or other institution of higher education
- ☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501 (c)(3))
- ☐ Nonprofit scientific or education under Statute of State of the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if located in the United States of America
- ☐ Would qualify as nonprofit scientific or educational under Statute of State of the United States of America if located in the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)

I hereby declare that the above-identified nonprofit organization qualifies as *nonprofit organization* as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under section 41(a) and (b) of Title 35 of the United States Code.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above with regard to the invention entitled **ANTIOXIDANT PEPTIDES** by inventors David Y. Hui and Patrick Tso described in

- ☒ the specification filed herewith
- ☐ application Serial No. \_\_\_\_\_, filed \_\_\_\_\_

If the rights held by the above identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention

are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

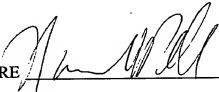
\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL    ☐ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Norman M. Pollack  
TITLE OF PERSON OTHER THAN OWNER: Director of Intellectual Property & University Patent Officer  
ADDRESS OF PERSON SIGNING: University of Cincinnati  
Room G13 - Wherry Hall  
Mail Location 0829  
Cincinnati, OH 45267

SIGNATURE  DATE March 8, 1989

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